

CONGRATULATING BORDER PATROL AGENT THOMAS H. NUETZEL ON RECEIVING THE 2005 TOP HUMANITARIAN AWARD FROM THE U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. CASE. Mr. Speaker, as we continue our commitment to securing our nation's borders, I would like to extend a heartfelt congratulations to one of our outstanding border patrol agents, a former resident of Kailua, Hawaii and a real "local boy": Thomas H. Nuetzel.

Today, at the 2005 Commissioner's Annual Awards Ceremony, Tom will receive the U.S. Bureau of Customs and Border Protection's Top Humanitarian Award in recognition of his bravery and service. Tom is currently assigned to the Office of Field Operations at the Douglas Port of Entry in Arizona.

In July, while on the way home from dinner, Tom, his wife Dawn, and their two children observed a rollover vehicle accident. The couple stopped to assist the two adults and two young children trapped in the vehicle. The driver told Tom that there were several full gas cans in the trunk of the overturned vehicle. The heavy rainfall, flooding, and severe lightning magnified a critical situation.

Tom and Dawn immediately called Emergency Medical Services. Then, standing in knee-deep water, Dawn kept the passengers calm as Tom extracted each family member through a broken window. The passengers awaited the arrival of EMS in Tom and Dawn's car. All victims of the rollover accident are doing well, thanks to the selflessness of Tom and Dawn Nuetzel.

Again, I extend a sincere mahalo (thank you) to Tom and Dawn for their act of courage and compassion. I would also like to thank all our border patrol agents that work daily to keep our nation safe and secure.

Mahalo, and aloha!

REQUIRING RATE INTEGRATION FOR WIRELESS COMMUNICATIONS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to introduce legislation that will require rate integration for wireless interstate toll charges. Specifically, this legislation would amend Section 254(g) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, to provide for rate integration of wireless long distance service within the United States, including the territories. With this legislation I intend to require uniformity in rates charged by cellular phone and other wireless service providers for calls and communications to and from Guam within the United States.

Section 254(g) directs the Federal Communications Commission (FCC) "to adopt rules to require that the rates charged by providers of interexchange telecommunication services to subscribers in rural and high cost areas shall

be no higher than the rates charged by each such provider to its subscribers in urban areas."

Pursuant to Section 254(g), the FCC promulgated a regulation (FCC Order 98-347) to cover Commercial Mobile Radio Services (CMRS) as an interexchange service. CMRS includes Personal Communications Service (PCS) and cellular services. In defense of their Order, the FCC noted that "if Congress had intended to exempt CMRS providers, it presumably would have done so expressly as it had done in other sections of the [1996 Telecommunications] Act."

Subsequent to its issuance, the United States Court of Appeals for the District of Columbia Circuit vacated FCC Order 98-347, by ruling that interexchange telecommunication services do not encompass CMRS. In its ruling, the Court cited the phrase "interexchange telecommunications service" contained in Section 254(g). Since wireless telecommunications do not use exchanges, the Court held that "it is by no means obvious that the Congress, when it used a phrase in which the word 'interexchange' is an essential term, was referring to CMRS."

It is unclear from the language of the statute whether section 254 applies to wireless services. Section 254 does not include specific language regarding its applicability to wireless services, not does it specifically exclude such services. Moreover, the legislative history of Section 254(g) is not instructive as to Congress' intent regarding the applicability of the rate integration requirement to wireless services.

Clearly, ambiguity in the law exists. As a result, cellular customers are subject to varying rates for calls made within the United States. This is particularly evident with respect to rates assessed to calls made to Guam and the other U.S. territories under service plans offered to cellular customers within the 48 contiguous states of the United States. Again, the Telecommunications Act of 1996 requires rate integration for noncellular, landline communication services. The legislation introduced today would simply extend this same requirement to wireless communications.

Rate integration for wireless interstate toll charges is important to businesses and individuals located on the U.S. mainland who engage in regular and reoccurring voice communication with other businesses and contacts located in the offshore territories. Family members and friends are among the customers who are assessed higher and different rates for cellular calls made to Guam or the other territories. These differences in wireless rates exist despite the fact that the U.S. territories are included in the North American Numbering Plan, the numbering plan for the Public Switched Telephone Network of the United States.

This legislation would bring the uniformity and fairness in rates desired by those in Guam wishing to keep in closer contact with relatives, friends, and associates who reside in other parts of the United States through the latest technology. Additionally, as technology in telecommunication advances, laws should be updated and developed to keep pace. This legislation would update existing law to take into account advances in and the popularity of wireless telecommunications since enactment of the 1996 Act. The legislation would do so in a manner consistent with both a previous,

but vacated, FCC Order and with rate integration requirements applied to other more traditional telecommunication technology.

I look forward to addressing the issue of rate integration for wireless services as part of the legislative effort to reauthorize the Telecommunications Act of 1996.

EXTENDING CONGRATULATIONS TO MR. WILLIAM B. BLACK

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to extend congratulations to a government employee who has shown outstanding dedication through his services to the Department of Defense.

Deputy Director, Mr. William B. Black has serviced the Department of Defense for over forty-five years. He is the recipient of the Department of Defense Distinguished Civilian Service Award, which is the highest honor a civilian can receive by the Secretary of Defense. The award is given to an individual whose career reflects exceptional devotion to duty, as well as, significant contributions to the efficiency, economy, or other improvements in the Department of Defense operations.

Mr. Black aided in the success of intelligence production and cyber operations for assignments in Balkans, Afghanistan, Iraq, and the War on Terror. His determination and ambition has also abetted the National Security Agency's mounting field of information operations as a result of his role as the Special Assistant to the Director for Information Warfare.

The National Security Agency was able to participate resolutely in the War on Terror because Mr. Black led signals intelligence and information assurance missions into the digital network era.

Mr. Speaker, I ask that you join with me today to recognize Mr. William B. Black for his service to this country. The exceptional work he has done for the Department of Defense warrants great recognition. Dedication to this country and to the betterment of our intelligence operations is a vital part of our success as a powerful nation and should be observed and commended more frequently.

TO PROVIDE CERTAIN AUTHORITIES FOR THE DEPARTMENT OF STATE

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. SMITH of New Jersey. Mr. Speaker, I am attaching an exchange of letters between Chairman HYDE and Chairman DAVIS concerning the bill H.R. 4436, "To provide certain authorities for the Department of State, and for other purposes" for printing in the RECORD.